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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JESUS ENRIQUE PALOMERA,

15 Defendant.

CASE NO. CR14-5394RJB

ORDER ON DEFENDANT'S
SENTENCING MOTIONS

16 THIS MATTER comes before the Court on the remaining two Defendant's Sentencing
17 Motions (Dkt. 59). The court is fully advised.

18 First, defendant's request for an evidentiary hearing is GRANTED. The defendant has
19 the right to contest the government's evidence in an evidentiary hearing and also has the right to
20 allocution.

21 In regard to the second motion, exclusion of the *Macias* matter, as a violation of the rule
22 of specialty, the motion is DENIED.

23 The government's opposition to defendant's sentencing motions (Dkt. 67) cites authority
24 for the rule that, although an individual cannot be sentenced for an offense other than that for

1 which extradition has been granted, other offenses may be considered in enhancing his sentence
2 for the offense charged. Relevant conduct may be shown to increase the sentencing guidelines in
3 this case for the drug offenses to which the defendant pled guilty. Fortunately, since the
4 guidelines are advisory only, the court can consider the effect that relevant conduct actually
5 should have, if any, on a defendant's sentence under 18 U.S.C. §3553.

6 IT IS SO ORDERED.

7 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
8 to any party appearing *pro se* at said party's last known address.

9 Dated this 2nd day of April, 2019.

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12 ROBERT J. BRYAN
13 United States District Judge
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